

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 24-58947-LRC
	:	
ROYLAND LAMBAT CAILING,	:	
	:	CHAPTER 7
DEBTOR.	:	
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MARY IDA TOWNSON,	:	
UNITED STATES TRUSTEE	:	
FOR REGION 21,	:	
	:	
MOVANT,	:	CONTESTED MATTER
	:	
v.	:	
	:	
ROYLAND LAMBAT CAILING,	:	
	:	
RESPONDENT.	:	

**UNITED STATES TRUSTEE’S MOTION
OBJECTING TO DEBTOR’S DISCHARGE**

COMES NOW, Mary Ida Townson, the United States Trustee for Region 21 (“Movant”) in furtherance of her administrative responsibilities imposed pursuant to 28 U.S.C. § 586(a) and Federal Rule of Bankruptcy Procedure Rule 4004(d), files this Motion Objecting to Discharge of **ROYLAND LAMBAT CAILING**, (“Debtor”), and in support therefor alleges as follows:

JURISDICTION AND VENUE

1. Movant brings this objection in connection with the Debtor’s case, filed under chapter 7 of the Bankruptcy Code, Case No. 24-58947-LRC, currently pending in

this Court. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157, 1334 and 11 U.S.C. § 727 *et seq.* This is a core proceeding under 28 U.S.C. § 157(b)(2)(J).

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1409.

PARTIES

3. Movant, the United States Trustee for Region 21, was appointed by the Attorney General of the United States to supervise the administration of cases and trustees under chapter 7, 11, 12 or 13 of Title 11.

4. Debtor, Royland Lambat Cailing, is the debtor in the captioned bankruptcy proceeding.

FACTS

5. On August 27, 2024, Debtor filed the instant voluntary petition under chapter 7 of the Bankruptcy Code (the “2024 Case”).

6. Records maintained by the Clerk of Court for the Bankruptcy Court of the Northern District of Georgia indicate that Debtor filed a voluntary chapter 7 petition on October 1, 2019, with the Bankruptcy Court in the Northern District of Georgia case number 19-65708-JWC (the “2019 Case”).

7. On or about January 20, 2020, Debtor received a chapter 7 discharge in the 2019 Case.

8. 11 U.S.C. § 727(a)(8) provides that the court shall grant a debtor a discharge *unless* the debtor has been granted a chapter 7 discharge in a case commenced within eight years before the date of the filing of the petition.

9. Having received a chapter 7 discharge in the 2019 Case, 11 U.S.C. § 727(a)(8) prohibits Debtor from receiving a chapter 7 discharge in the 2024 Case.

WHEREFORE, Movant prays for the entry of an Order denying Debtor a chapter 7 discharge in this case and for such further relief as the Court deems appropriate.

Respectfully submitted,

MARY IDA TOWNSON
United States Trustee, Region 21

s/ Jonathan S. Adams

Jonathan S. Adams
Georgia Bar Number 979073
United States Department of Justice
Office of the United States Trustee
362 Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, Georgia 30303
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NOTICE OF PLEADING, DEADLINE TO OBJECT AND FOR HEARING

The United States Trustee has filed a Motion Objecting to Debtor's Discharge on September 13, 2024. Pursuant to Third Amended and Restated General Order 24-2018, the Court may consider this matter without further notice or a hearing if no party in interest files a response or objection within twenty-one (21) days from the date of service of this notice. **If you object to the relief requested in this pleading, you must timely file your objection with the Bankruptcy Clerk at United States Bankruptcy Court, Richard Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, S.W., Suite 1340, Atlanta, Georgia 30303; and serve a copy on the movant's attorney, Jonathan S. Adams, Richard Russell Federal Building, 75 Ted Turner Drive, S.W., Suite 362, Atlanta Georgia 30303; and any other appropriate persons by the objection deadline.** The response or objection must explain your position and be actually received by the Bankruptcy Clerk within the required time.

A hearing on the pleading has been scheduled for October 24, 2024. The Court will hold a hearing on the Motion Objecting to Debtor's Discharge **at 10:15 A.M. on October 24, 2024** in Courtroom 1204, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-In and Virtual Bankruptcy Hearing Information" link at the top of the homepage on the Court's website, www.ganb.uscourts.gov, or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing Information" tab on the judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the "Hearing Information" tab on the judge's webpage, which can be found under the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the webpage for this Court, www.ganb.uscourts.gov for more information.

If an objection is timely filed and served, the hearing will proceed as scheduled. **If you do not file a response or objection within the time permitted, the Court may grant the relief requested without further notice or hearing**, provided that an order approving the relief requested is entered at least one business day prior to the scheduled hearing. If no objection is timely filed, but no order is entered granting the relief requested at least one business day prior to the hearing, the hearing will be held at the time and place scheduled.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy Case. If you do not have an attorney, you may wish to consult one.

Dated: September 13, 2024

MARY IDA TOWNSON
UNITED STATES TRUSTEE
REGION 21

/s/ Jonathan S. Adams
JONATHAN S. ADAMS
Trial Attorney
Georgia Bar Number 979073
United States Department of Justice
Office of the United States Trustee
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Atlanta, Georgia 30303
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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing *United States Trustee's Motion Objecting to Discharge and Notice of Pleading, Deadline to Object and for Hearing* using the Bankruptcy Court's Electronic Case Filing Program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

- **S. Gregory Hays** ghays@haysconsulting.net, saskue@haysconsulting.net; GA32@ecfcbis.com

I further certify that on this day, I caused a copy of this document to be served via United States First Class Mail, with adequate postage prepaid on the following parties at the address shown for each.

Royland Lambat Cailing
201 Northwood Drive
Apt. E-1
Atlanta, Georgia 30342

Dated: September 13, 2024.

MARY IDA TOWNSON
United States Trustee, Region 21

s/ Jonathan S. Adams

Jonathan S. Adams
Georgia Bar Number 979073
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362 Richard B. Russell Building
75 Ted Turner Drive, SW
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